| 1 | JAMES A. REUBEN, State Bar #72360 | | | |
|------|--|-----------------------------------|--|--|
| | Reuben & Junius, LLP | | | |
| 2 | One Bush Street, Suite 600 | | | |
| | San Francisco, CA 94104 | | | |
| 3 | Telephone: (415) 567-9000 | | | |
| . | Facsimile: (415) 399-9480 | | | |
| 4 | EDICHECKED (- Initted my has vice) | | | |
| ہ | ERIC HECKER (admitted pro hac vice) | | | |
| 5 | Emery Celli Brinckerhoff & Abady LLP | | | |
| | 75 Rockefeller Plaza, 20th Floor | | | |
| 6 | New York, NY 10019 Telephone: (212) 763-5000 | | | |
| 7 | Telephone: (212) 763-5000 Facsimile: (212) 763-5001 | | | |
| ′ | Tacsinine. (212) 703-3001 | | | |
| 8 | Attorneys for Plaintiff | | | |
| · | METRO FUEL LLC | | | |
| 9 | | | | |
| | DENNIS J. HERRERA, State Bar #139669 | | | |
| 10 | City Attorney | | | |
| | KRISTEN A. JENSEN, State Bar #130196 | | | |
| 11 | THOMAS S. LAKRITZ, State Bar #161234 | | | |
| | VICTORIA WONG, State Bar #214289 Deputy City Attorneys | | | |
| 12 | City Hall, Room 234 | | | |
| 13 | 1 D. Caultan D. Candlett Dlago | | | |
| 13 | San Francisco, California 94102 | | | |
| 14 | Telephone: (415) 554-6547 | | | |
| • | Facsimile: (415) 554-4757 | | | |
| 15 | E-Mail: tom.lakritz@sfgov.org | | | |
| | | | | |
| 16 | Attorneys for Defendant | | | |
| | CITY AND COUNTY OF SAN FRANCISCO | | | |
| 17 | | | | |
| 18 | UNITED STATES DISTRICT COURT | | | |
| 10 | UNITED STATES DISTRICT COOK! | | | |
| 19 | NORTHERN DISTRICT OF CALIFORNIA | | | |
| 1 | | | | |
| 20 | METRO FUEL LLC, a Delaware limited | Case No. C07-6067 PJH | | |
| | liability company, | en vy 11 Di il' i I II | | |
| 21 | | The Honorable Phyllis J. Hamilton | | |
| | Plaintiff, | | | |
| 22 | | JOINT STIPULATION TO AMEND | | |
| | VS. | CASE MANAGEMENT ORDER AND | | |
| 23 | CITY OF SAN FRANCISCO, a municipal | [PROPOSED] ORDER | | |
| 24 | corporation, COUNTY OF SAN | , | | |
| ∠→ | FRANCISCO, a subdivision of the State | Hearing Date: N/A | | |
| 25 | of California, CITY AND COUNTY OF | Time: N/A | | |
| | SAN FRANCISCO, a chartered California | | | |
| 26 - | city and county and DOE 1 through DOE | | | |
| | 10, | | | |
| 27 | | | | |
| • | Defendants. | I | | |
| 28 | | | | |

The parties in this action hereby submit this Joint Stipulation To Amend Case Management Order and advise the Court as follows:

- 1. On January 28, 2010, the parties submitted a Joint Case Management Statement advising the Court of the status of this litigation.
- 2. Specifically, the parties proposed the following briefing schedule for the City's Fed.R.Civ.Proc. 12(c) motion:

Motion/Opening Brief 4/02/10
Opposition Brief 4/16/10

Reply Brief 4/23/10

Hearing 5/26/10 at 9:00 a.m.

- 3. On January 29, 2010, the Court adopted the Joint Case Management Statement and set the hearing on the City's Fed.R.Civ.Proc. 12(c) motion for 5/26/10 at 9:00 a.m.
- 4. The parties have started discussing ways to resolve this matter without additional litigation. In order to give the parties an opportunity to explore a non-litigation resolution of this litigation, the parties have met and conferred on a new briefing schedule for the City's Fed.R.Civ.Proc. 12(c) motion.
- 5. The parties propose the following new briefing schedule for the City's Fed.R.Civ.Proc. 12(c) motion:

Motion/Opening Brief 8/04/10

Opposition Brief 8/18/10

Reply Brief 8/27/10

Hearing 9/15/10 at 9:00 a.m.

|///

7 ||' '

| 1 | 6. The parties are available for a conference call or for a Case Management Conference is | | |
|------------|---|-------------------|---|
| 2 | the Court deems either appropriate. | | |
| 3 | | | |
| 4 | | | D. CEDA CELLI DEDICKEDHOEE & ADADVII D |
| 5 | Dated: March 24, 2 | .010 | EMERY CELLI BRINCKERHOFF & ABADY LLP |
| 6 | | | D (G) |
| 7 | | | By: ERIC HECKER |
| 8 | | | |
| 9 | Dated: March 24, 2 | 2010 | REUBEN & JUNIUS, LLP |
| 10 | | | |
| 11 | | | By: JAMES A. REUBEN |
| 12 | | • | Attorneys for Plaintiff METRO FUEL LLC. |
| 13 | | | · |
| 14 | Dated: March 24, 2010 | DENNIS J. HERRERA | |
| 15 | 2 400 400 1014 1014 1014 1014 | | City Attorney KRISTEN A. JENSEN |
| 16 | | | THOMAS S. LAKRITZ VICTORIA WONG |
| 17 | | | Deputy City Attorneys |
| 18 | | | |
| 19 | | | By: /S/ THOMAS S. LAKRITZ |
| 20 | | | Attorneys for Defendant CITY AND COUNTY |
| 21 | | | OF SAN FRANCISCO |
| 22 | | | |
| 23 | 1 | | |
| 24 25 | | | |
| 25 26 | | | |
| 20 27 | | | |
| <u>~</u> / | | | |

[PROPOSED] ORDER AMENDING CASE MANAGEMENT ORDER

The Joint Stipulation To Amend the Case Management Order of the parties is hereby adopted by the Court as the Amended Case Management Order for the case and the parties are ordered to comply with this Order.

IT IS SO ORDERED:

Dated: 3/31/10

By:

HONOR

United S Judge Phyllis J. Hamilton S J. HAMILTON

United S Judge Phyllis J. Hamilton Judge

SIGNATURE ATTESTATION

(U.S.D.C. N.D. Cal. General Order 45, Section X.B)

I obtained the concurrence in the filing of this document from each other signatory, or from the single signatory, in compliance with U.S.D.C. N.D. General Order 45, Section X.B. DENNIS J. HERRERA Dated: March 24, 2010 City Attorney KRISTEN A. JENSEN THOMAS S. LAKRITZ VICTORIA WONG Deputy City Attorneys By: THOMAS S. LAKRITZ Attorneys for Defendant CITY AND COUNTY OF SAN FRANCISCO